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EXAMINER	
EHICHOYA, FRED I	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/722,247	GERHARD, LUTZ	
	<b>Examiner</b>	<b>Art Unit</b>	
	Fred I. Ehichioya	2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 07 May 2007.

2a) This action is **FINAL**.                  2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 35 - 58 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 35 - 58 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____

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### **DETAILED ACTION**

1. This Office Action is responsive to communication filed May 7, 2007.
2. Claims 35 - 58 are pending in this Office Action.
3. Claims 1 – 34 are canceled.

#### ***Response to Arguments***

4. Applicant argues:

Applicant's arguments with respect to claims 1 - 34 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 35, 38, 40 – 48, 51, 54, and 56 - 58 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent No. 5,630,116 issued to Takaya et al., (hereinafter “Takaya”).

Regarding claim 35, Takaya discloses a method for client masterd replication comprising:

storing a master file at a client computing device (see column 1, lines 52 – 54 wherein parent workstation represents client computing device that has the master file);

sending a copy of the master file to a connected server for storage at the connected server as a replica (see column 1, lines 54 – 57 wherein child workstation represents server that has slave files which is interpreted as replica represent copy of the master file);

receiving from the connected server a copy of a change to the replica (see column 1, lines 63 – 65 where the parent workstation/client updated the master file with a change received from the child workstation/server); and

determining whether to replicate the change from the replica to the master file (see column 4, lines 56 – 57 judging whether or not a master file corresponds to slave file/replica is interpreted as determining whether to replicate the change);

and displaying the master file to a user at the client computing device (see column 2, lines 51 – 53 wherein the parent workstation/client displays the master file).

Regarding claim 38, Takaya discloses the method of claim 35, comprising determining whether to replicate the change from the replica to the master file based upon an event occurring at the client computing device (see column 4, lines 49 – 57 wherein the event occurring is the updating of data).

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Regarding claim 40, Takaya discloses the method of claim 35, comprising providing at the client computing device an interface that enables the user to select a portion of the master file for replication (see column 3, lines 40 – 42 wherein the parent workstation/client is the interface that allow for selection).

Regarding claim 41, Takaya discloses the method of claim 40, further comprising providing at the client computing device an interface that enables the user to select a security option for replication of the master file (see column 3, lines 40 – 42 wherein it is inherent that the parent workstation/client is equipped with security login and password protection).

Regarding claim 42, Takaya discloses the method of claim 35, further comprising providing at the client computing device an interface that enables the user to select a security option for replication of the master file (see column 3, lines 40 – 42 wherein it is inherent that the parent workstation/client is equipped with security login and password protection).

Regarding claim 43, Takaya discloses a method for client mastered replication comprising:

receiving from a connected server a copy of a first replica of a master file, the first replica being stored at the server, the master file being stored at a master client computing device (see column 4, lines 6 – 7 and 54 – 56 wherein the master file in the

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parent workstation/client determines and updates files received from child workstation/server);

storing the copy of the first replica at a replicating client computing device as a second replica (see column 4, lines 16- 18 wherein the slave file list stores the second replica of the child workstation/server slave file/replica); and

displaying the second replica to a user at the replicating client computing device (see column 2, lines 51 – 53 wherein the parent workstation/client displays the master file).

Regarding claim 44, Takaya discloses the method of claim 43, further comprising: making a change to the second replica (see column 4, line 46 – 48 wherein the grandchild workstation updates the second replica).

Regarding claim 45, Takaya discloses the method of claim 44, further comprising:

sending the change from the replication client computing device to the connected server (see column 2, lines 44 – 47 wherein master file is forwarded to child workstation/server from parent workstation/client).

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Regarding claim 46, Takaya discloses the method of claim 45, further comprising:

replicating by the connected server the change from the second replica to the first replica (see column 2, lines 51 – 53 wherein changes to the first replica are forwarded from the child workstation/server to the parent workstation/client).

Regarding claim 47, Takaya discloses the method of claim 46, further comprising:

sending the change from the connected server to the master client computing device (see column 2, lines 51 – 53 wherein changes to the first replica are forwarded from the child workstation/server to the parent workstation/client).

Regarding claim 48, Takaya discloses the method of claim 47, further comprising:

receiving by the master client computing device from the connected server a copy of the change (see column 1, lines 63 – 65 where the parent workstation/client updated the master file with a change received from the child workstation/server); and

determining whether to replicate the change from the first replica to the master file (see column 4, lines 56 – 57 judging whether or not a master file corresponds to slave file/replica is interpreted as determining whether to replicate the change).

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Regarding claim 51, Takaya discloses a system for client masterd replication, the system comprising:

a client computing device that stores a master file and displays the master file to a user (see column 1, lines 52 – 54 wherein parent workstation represents client computing device that has the master file and also displays the master file to the user);

and a connected server that stores a first replica of the master file (see column 1, lines 54 – 57 wherein the child workstation is the connected server),

wherein the client computing device receives changes made to the first replica (see column 1, lines 63 – 65 where the parent workstation/client updated the master file with a change received from the child workstation/server) and determines whether to replicate the changes from the first replica to the master file see column 4, lines 56 – 57 judging whether or not a master file corresponds to slave file/replica is interpreted as determining whether to replicate the change).

Regarding claim 54, Takaya discloses the system of claim 51, wherein the client computing device determines whether to replicate the changes from the first replica to the master file based on an event occurring at the client computing device (see column 4, lines 49 – 57 wherein the event occurring is the updating of data).

Regarding claim 56, Takaya discloses the system of claim 51, further comprising a replicating client computing device that stores a second replica of the master file (see column 4, lines 16- 18 wherein the slave file list stores the second replica of the child

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workstation/server slave file/replica).

Regarding claim 57, Takaya discloses the system of claim 56, wherein the second replica is copied from the first replica (see column 4, lines 16 – 18 wherein the replica is child workstation/server's slave file).

Regarding claim 58, Takaya discloses the system of claim 56, wherein the server receives changes made to the second replica and determines whether to replicate the changes from the second replica to the first replica (see column 4, lines 49 – 47).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 36, 37, 49, 50, 52 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takaya in view of Applicant Admitted Prior Art (hereinafter "APA").

Regarding claim 36, Takaya discloses the claimed subject matter as discussed in claims 35. Takaya does not explicitly disclose conflict as claimed.

APA discloses determining whether to replicate the change from the replica to the master file in accordance with a conflict resolution scheme (spec page 7, paragraph

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28: "Changes may be made locally to replica 225 at client 220 and, if such local changes do not conflict with changes to master 215, such local changes may be replicated back to master 215").

It would have been obvious to one of ordinary skills in data processing art at the time of present invention to combine the cited references because APA's teaching of "replicating if the change to the replica does not conflict with the master file" would have allowed Takaya to replicate changes without incurring addition expenses since conflict resolution is by-passed.

Regarding claim 37, Takaya discloses comprising replicating the change from the replica to the master file only if the change does not conflict with the master file (see column 4, lines 60 – 63).

Regarding claim 49, APA discloses the method of claim 48, comprising determining whether to replicate the change from the first replica to the master file in accordance with a conflict resolution scheme (spec page 7, paragraph 28: "Changes may be made locally to replica 225 at client 220 and, if such local changes do not conflict with changes to master 215, such local changes may be replicated back to master 215").

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Regarding claim 50, Takaya discloses the method of claim 49, comprising replicating the change from first the replica to the master file only if the change does not conflict with the master file (see column 4, lines 60 – 63).

Regarding claim 52, APA discloses the system of claim 51, wherein the client computing device determines whether to replicate the changes from the first replica to the master file in accordance with a conflict resolution scheme (spec page 7, paragraph 28: "Changes may be made locally to replica 225 at client 220 and, if such local changes do not conflict with changes to master 215, such local changes may be replicated back to master 215").

Regarding claim 53, Takaya discloses the system of claim 52, wherein the client computing device replicates the changes from the first replica to the master file only if the changes do not conflict with the master file (see column 4, lines 60 – 63).

8. Claims 39 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takaya in view of APA and further in view of Neeman et al. "Neeman" (USPN 5,588,147).

Regarding claim 39, Takaya and APA discloses the claimed subject matter as discussed in claim 38.

Takaya or APA does not explicitly disclose expiration of a selected time interval as claimed.

However, Neeman discloses determining whether to replicate the change from the replica to the master file based upon an expiration of a selected time interval, closing the master file at the client device, saving the master file at the client device or shutting down the client device. However, Neeman discloses replicating the change to the master file in response to one of an expiration of a selected time interval, closing the master file at the client device, saving the master file at the client device, and shutting down the client device (column 6, lines 37 – 44: Examiner interprets “the passage of a certain amount of time” as “expiration of a selected time interval”).

It would have been obvious to one of ordinary skills in the data processing art at the time of the present invention to combine the cited references because Neeman’s teaching of “replicating the change to the master file in response to an expiration of a selected time interval” would allow Takaya and APA to enhance system reliability, e.g., no one client or server (which may fail) exclusively possesses access to required data. The motivation is that having replicated data in clients/servers in the distributed system allow update data to be available at all time even if one client/server fails.

Regarding claim 55, Neeman discloses the system of claim 54, wherein the event is an expiration of a selected time interval, closing the master file at the client device, saving the master file at the client device, or shutting down the client device

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(column 6, lines 37 – 44: Examiner interprets “the passage of a certain amount of time” as “expiration of a selected time interval”).

***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred I. Ehichioya whose telephone number is 571-272-4034. The examiner can normally be reached on M - F 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on 571-272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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